

REMARKS

Claims 1-19 are pending. Claims 12-14 are withdrawn from consideration by the Examiner. Claims 1-13 and 15 are amended to more clearly point out the claimed invention. Support can be found throughout the specification, and in particular in the claims as originally filed. No new matter has been entered.

35 U.S.C. 103(a)

1) Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,773,724, in view of WO 1999/008659.

Applicant has filed herewith a Statement by Attorney to disqualify U.S. Patent 6,773,724 as a reference under 35 U.S.C. 103(c). Reconsideration and withdrawal of the rejection is respectfully requested in light of the claim amendments, attached statement and the above remarks.

2) Claims 1-19 are provisionally rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application 10/915,652, in view of WO 1999/008659.

Applicant notes that US Patent Application 10/915,652 is a divisional application of US Patent 6,773,724.

Applicant has filed herewith a Statement by Attorney to disqualify US Patent Application 10/915,652, now U.S. Patent 7,449,198, as a reference under 35 U.S.C. 103(c). Reconsideration and withdrawal of the rejection is respectfully requested in light of the claim amendments, attached statement and the above remarks.

Nonstatutory obviousness-type double patenting

1.) Claims 1-11 and 15-19 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6 and 20-21 of U.S. Patent No. 6,773,724, in view of WO 1999/008659.

Applicant has attached hereto a terminal disclaimer over U.S. Patent No. 7,265,097, in compliance with 37 CFR 1.321(c) for the purpose of overcoming the instant rejection. Thus, in view of the above mentioned terminal disclaimer and remarks, the nonstatutory obviousness-type double patenting of the instant claims is rendered moot.

2.) Claims 1-11 and 15-19 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-11 and 15-19 of copending Application No. 10/915,652, in view of WO 1999/008659.

Applicant notes that Application No. 10/915,652 has issued as US patent 7449198 . Accordingly, Applicant has attached hereto a terminal disclaimer over U.S. Application No. 10/915,652, now U.S. Patent No. 7,265,097, in compliance with 37 CFR 1.321(c) for the purpose of overcoming the instant rejection. Thus, in view of the above mentioned terminal disclaimer and remarks, the nonstatutory obviousness-type double patenting of the instant claims is rendered moot.

Conclusion

Applicant submits that all claims are allowable as written and respectfully request early favorable action by the Examiner. No new matter is added. If the Examiner believes that a telephone conversation with Applicant's attorney/agent would expedite prosecution of this application, the Examiner is cordially invited to call the undersigned attorney/agent of record.

For any fees be required to ensure consideration of this response, the Commissioner is authorized to charge Deposit Account 04-1105, Reference No. 84015(303989).

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Respectfully submitted,

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